

Marlise Montore Cowan will be the cross-defendant. Thus, Dawn Monroe-Smith will have the burden of proving her claim that the change of beneficiary known to the insurance company at the time of the Decedent's death was fraudulent and that the proper beneficiary is not Marlise Montore Cowan.

TO THE PARTIES:

Cross-Plaintiff Dawn Monroe-Smith shall file a Cross-Complaint that states a claim for relief pursuant to Federal Rule of Civil Procedure 8(a), including a demand for relief and short and plain statements of her claim showing that she is entitled to relief and that the court has jurisdiction over her claim. The Cross-Complaint must contain sufficient factual matter, accepted as true, to state a claim that is plausible on its face. See Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). **The Cross-Complaint must be filed within twenty-one (21) days of the date of this order, plus three days for mail time. Failure to file a Cross-Complaint may subject Dawn Monroe-Smith's cross-claim to dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).**

Cross-Defendant Marlise Montore Cowan will have twenty-one days after she receives the Cross-Complaint to file an answer or responsive motion pursuant to Federal Rules of Civil Procedure 8(b) and 12. Any responsive pleading or motions must admit or deny the allegations in the Cross-Complaint and assert any defenses the Cross-Defendant may assert. **Failure to file an answer or responsive motion may result in Marlise Montore Cowan being held in default pursuant to Federal Rule of Civil Procedure 55.**

If the cross-parties file pleadings as instructed above, the court will issue a scheduling order that provides dates by which the parties will be required to complete discovery and file dispositive motions.

TO THE CLERK OF COURT:

The Clerk of Court shall enter default against Defendants April Monroe-Harris and Dawn Leake pursuant to Federal Rule of Civil Procedure 55(a).² The Clerk of Court shall also list Dawn Monroe-Smith as a cross-plaintiff, Marlise Montore Cowan a cross-defendant, and dismiss the cross-parties as defendants.

The Clerk of Court shall mail a copy of this order to the *pro se* parties that have appeared and set the deadlines for filing pleadings and responses as set above.

IT IS SO ORDERED.

September 13, 2022
Columbia, South Carolina


Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

² If Defendant April Monroe-Harris or Defendant Dawn Leake appear in this case and the court orders that default be set aside, the court will order that they be dismissed as defendants and order that they be listed as cross-plaintiffs opposite Cross-Defendant Marlise Montore Cowan.